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Amdt. dated:

Preliminary Amendment

LISTING OF CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (original) An apparatus for approximating body vessels, comprising:

at least one fastener including:

a first fastener portion having an anchoring leg portion;

a second fastener portion having an anchoring leg portion, wherein the first and second fastener portions are operatively associated with one another for selectively fixing the position of the first fastener portion and the second fastener portion with respect to one another;

a first member configured and adapted to engage the first fastener portion; and

a second member configured and adapted to engage the second fastener portion, the first member and the second member being movable with respect to one another to move the first fastener portion and second fastener portion with respect to one another.

2. (original) The apparatus according to claim 1, wherein each of the first fastener portion and the second fastener portion have a first position in which the anchoring leg portion is adjacent the locking leg portion and a second position in which the anchoring leg portion is spaced a distance from the locking leg portion.

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3. (amended) The apparatus according to ~~any of the preceding claims~~ claim 1, further comprising an insertion sleeve and wherein each anchoring leg portion is biased to a position spaced from the respective locking leg portion and collapsible to a position in close proximity to the respective locking leg portion.

4. (amended) The apparatus according to ~~any of the preceding claims~~ claim 1, further comprising an insertion sleeve and wherein each anchoring leg portion is biased to a position spaced from the respective locking leg portion and collapsible to a position in close proximity to the respective locking leg portion.

5. (amended) The apparatus according to ~~any of the preceding claims~~ claim 1, wherein each fastener is made from the group of materials consisting of stainless steel, titanium, polyglycolic acid and polylactic acid.

6. (amended) The apparatus according to ~~any of the preceding claims~~ claim 1, further comprising fixing elements on each of the first and second fastener portions.

7. (amended) The apparatus according to ~~any of the preceding claims~~ claim 6, wherein the fixing elements include:

a series projections formed along a surface of the first fastener portion; and

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a locking passage formed along a surface of the second fastener portion, the locking passage being configured and dimensioned to receive an end of the locking leg portion of the first fastener portion therein, wherein the locking passage includes at least one projection extending from an inner surface thereof which at least one projection is configured and dimensioned to engage the series of projections formed along the surface of the first fastener portion.

8. (amended) The apparatus according to ~~any of the preceding claims~~ claim 7, wherein the locking passage is defined by a pair of side walls extending from the locking leg portion of the second fastener portion and an end wall interconnecting and extending between the pair of side walls, the at least one projection of the locking passage being formed on an inner surface of the end wall.

9. (amended) The apparatus according to ~~any of the preceding claims~~ claim 6, wherein the fixing elements permit movement of the first fastener portion relative to the second fastener portion in a first direction and prevent movement in a second direction.

10. (amended) The apparatus according to ~~any of the preceding claims~~ claim 1, wherein the first and second fastener portions have a locking leg portion pivotably connected to the respective anchoring leg portion.

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11. (amended) The apparatus according to ~~any of the preceding claims~~ claim 1, wherein the fastener portion includes a lip extending from the first fastener portion, and wherein the first member comprises an anvil having a hook formed at a distal end thereof engaging the lip of the first fastener portion.

12. (amended) The apparatus according to ~~any of the preceding claims~~ claim 11, wherein the second fastener portion includes a lip extending from the second fastener portion, and wherein the second member comprises a pusher having a recess formed in a distal end thereof for engaging the lip of the second fastener portion.